

AN ACT

ENTITLED, An Act to provide for the issuance of specialty license plates and organization decals.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

Section 1. That chapter 32-5 be amended by adding thereto a NEW SECTION to read as follows:

An owner of a motor vehicle, who is a resident of this state, who has a valid South Dakota driver's license or South Dakota identification number as assigned by the Department of Commerce and Regulation, may upon request receive a set of specialty license plates that allow for the placement of an organization decal on the plates. The specialty plates are in lieu of regular license plates issued by the county treasurer and may only be used on noncommercial vehicles that are licensed according to §§ 32-5-6 and 32-5-6.3. If the specialty plates are requested at the time of initial application for title and registration of the vehicle, no additional fees are charged for the plates above the costs involved in registering the vehicle. If the specialty plates are requested later or if the vehicle has current South Dakota plates, the owner shall surrender the current plates and pay a ten dollar fee for the specialty plates. This fee is in addition to any applicable costs involved in the registration of the vehicle.

Section 2. That chapter 32-5 be amended by adding thereto a NEW SECTION to read as follows:

To qualify for an organizational decal, an organization shall be a nonprofit corporation, or a group of nonprofit corporations with a common purpose, on file with the secretary of state's office and shall have a minimum of two hundred members and shall meet the following requirements:

- (1) The primary activity or interest of the organization or group of organizations serves the community, contributes to the welfare of others, and is not offensive or discriminatory in its purpose, nature, activity, or name;
- (2) The name and purpose of the organization or group of organizations does not promote any specific product or brand name that is provided for sale; and
- (3) The purpose of the organization or group of organizations does not promote a specific

religion, faith, or anti-religious belief.

Section 3. That chapter 32-5 be amended by adding thereto a NEW SECTION to read as follows:

At the time of application, the organization or group of organizations shall furnish the department with the following:

- (1) A copy of its articles of incorporation for each organization;
- (2) A copy of its charter or by-laws for each organization;
- (3) Any Internal Revenue Service rulings of each organization's nonprofit tax exemptions status;
- (4) A completed decal design with the organizational logo and the organizational name, or in the case of a group of organizations, a decal design which clearly depicts the common purpose or theme of the group; and
- (5) A completed application for organization decals on a form provided by the department.

Section 4. That chapter 32-5 be amended by adding thereto a NEW SECTION to read as follows:

Upon approval of an application for organization decals and approval of the design of the organization decal, the department shall furnish the decals to the organization. The organization shall purchase at minimum one hundred sets of the organization decals. The organization shall reimburse the department for the cost of the decals, plus a fifteen percent administrative fee. The organization shall establish criteria for an applicant to qualify for the organization decals and the fee to be charged for the decals. The organization is responsible for the administration and issuance of the decals. Decals other than those authorized and issued by the department are not permitted on license plates. Misuse of the decals or use of unauthorized decals is a Class 2 misdemeanor.

Section 5. That chapter 32-5 be amended by adding thereto a NEW SECTION to read as follows:

Upon the sale or transfer of a vehicle bearing specialty license plates that display an organization decal, the plates shall remain with the owner and upon approval by the department may be transferred to another vehicle. Anyone receiving organization license plates shall at the time of obtaining the

specialty plates purchase from the county treasurer a temporary permit. The permit is valid for fifteen days and costs fifteen dollars. The permit shall be vehicle specific and shall be affixed to the vehicle by the seller at the time of sale or transfer of the vehicle. The new owner of the vehicle may use the permit in the interim of registering the vehicle. The permit may not be used for any other purpose than stated. Misuse of the temporary permit is a Class 2 misdemeanor.

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I certify that the attached Act
originated in the

SENATE as Bill No. 243

Secretary of the Senate
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President of the Senate

Attest:

Secretary of the Senate

Speaker of the House

Attest:

Chief Clerk

Senate Bill No. 243

File No. _____

Chapter No. _____

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Received at this Executive Office
this _____ day of _____ ,

19____ at _____ M.

By _____
for the Governor
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The attached Act is hereby
approved this _____ day of
_____, A.D., 19____

Governor

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STATE OF SOUTH DAKOTA,
ss.
Office of the Secretary of State

Filed _____, 19____
at _____ o'clock __ M.

Secretary of State

By _____
Ass. Secretary of State